

**MENOMINEE TRIBAL LEGISLATURE – REGULAR
SEPTEMBER 16, 2010
MENOMINEE TRIBAL OFFICE BOARD ROOM
KESHENA, WI 54135
5:00 P.M.**

MEMBERS PRESENT:

Laurie A. Boivin, Tribal Chairwoman
Randal Chevalier
Lynnette A. Miller
Myrna R. Warrington
Bruce J. Pecore
Kenneth A. Fish
David A. Miller
Rebecca D. Alegria

MEMBERS ABSENT:

Lisa S. Waukau – (*Excused Absence*)

1. Call to Order – Roll Call.

Chairwoman Boivin called the meeting to order at 5:00 P.M. Roll Call was taken with a quorum present.

2. Menominee Prayer.

David “Nahwahquaw” Grignon said the Menominee Prayer in the Menominee Language.

3. Public Comment Period.

Thomas Tousey – Emergency Assistance for House Fire: “He stated that the home he rents in Gresham started on fire in the kitchen, and as a result he ended up putting out the fire himself and inhaled a lot of the smoke. His landlord is completely remodeling the home, but he feels the home is no longer safe for him to live in, because the smoke damage is affecting his lungs. He has found another rental home, and is requesting financial assistance to relocate. He contacted the Tribe’s Social Services Department, Chairman’s Office, and the Community Funding Panel, but everyone is currently out of money, and is not able to help him with \$300 to move. He tried to contact the American Red Cross, but they don’t return his calls.”

MOTION BY RANDAL CHEVALIER THAT WE AUTHORIZE \$300 OUT OF CONTINGENCY FOR MR. (THOMAS) TOUSEY. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

Legislators informed him to contact the Veteran’s Office and the Knight’s of Columbus and seek assistance there as well. Tribal members also informed him to go to St. Michael’s for clothing and other household items.

4. 10-Day Waiver Request(s).

There were no 10-Day Waiver Request(s) made at this time.

5. A Proclamation – Wisconsin Disability Employment Awareness Month.

MOTION BY REBECCA ALEGRIA TO APPROVE THE PROCLAMATION FOR THE WISCONSIN DISABILITY EMPLOYMENT AWARENESS MONTH, WAIVE THE READING, AND AUTHORIZE TRIBAL CHAIRWOMAN LAURIE BOIVIN TO SIGN. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

6. Nomination of One Tribal Representative to Wisconsin Public Health Council.

MOTION BY RANDAL CHEVALIER TO NOMINATE FAYE DODGE TO THE WISCONSIN PUBLIC HEALTH COUNCIL AS A TRIBAL REPRESENTATIVE. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

7. Bid Recommendation for Cigarette / Tobacco Services.

MOTION BY RANDAL CHEVALIER TO CONCUR WITH THE RECOMMENDATION OF THE BID EVALUATION TEAM TO AWARD THE CIGARETTE / TOBACCO SERVICES FOR FY’ 11 TO NTC OF WISCONSIN, INC. FOR \$8,491,993.95 AS BID. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 7 FOR, 0

8. Approve 2010 Waterfowl Bag Limits for Permittees.

MOTION BY REBECCA ALEGRIA TO APPROVE THE MENOMINEE INDIAN TRIBE OF WISCONSIN'S 2010 WATERFOWL BAG LIMITS FOR PERMITTEES. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

9. Resolution No. 10-___ Request to Place Land into Trust – (Lot 15 Grey Eagle Addition to Legend Lake).

TO MOTION BY RANDAL CHEVALIER FOR ADOPTION OF MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE RESOLUTION NO. 10-46 REQUEST TO PLACE LAND INTO TRUST LOT 15 IN GREY EAGLE ADDITION TO LEGEND LAKE DISPENSE WITH THE READING, AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

10. Resolution No. 10-___ Request to Place Land into Trust – (Lot 33 Blue Heron Addition to Legend Lake).

MOTION BY LYNNETTE MILLER TO APPROVE RESOLUTION NO. 10-47 REQUEST TO PLACE LAND INTO TRUST LOT 33 IN BLUE HERON ADDITION TO LEGEND LAKE, WAIVE THE READING, AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

11. Resolution No. 10-___ Request to Place Land into Trust – (Lot 1, Vol. 3, Pg. 55).

**MOTION BY REBECCA ALEGRIA TO APPROVE RESOLUTION NO. 10-48 REQUEST TO PLACE LAND INTO TRUST LOT 1, VOLUME 3, PAGE 55 BEING A PART OF THE PARCEL NUMBER 1, VOLUME 1 OF CERTIFIED SURVEYS, WAIVE THE READING, AND AUTHORIZE TRIBAL CHAIRWOMAN LAURIE BOVIN AND SECRETARY LYNNETTE MILLER TO SIGN. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED:
7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).**

Legislators requested colored maps to be attached the next time these have to come forward for Legislative approval.

12. Resolution No. 10-___ Request to Place Land into Trust – (Lot 1, Vol. 3, Pg. 47).

MOTION BY LYNNETTE MILLER TO APPROVE RESOLUTION NO. 10-49 REQUEST TO PLACE LAND INTO TRUST LOT 1, VOLUME 3, PAGE 47, WAIVE THE READING, AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

13. Resolution No. 10-___ U.S. Department of Interior, U.S. Fish and Wildlife Service FY' 2011 Tribal Wildlife Grant Program.

MOTION BY BRUCE PECORE TO APPROVE MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE RESOLUTION NO. 10-50 UNITED STATES DEPARTMENT OF INTERIOR, UNITED STATES FISH AND WILDLIFE SERVICE FY' 2011 TRIBAL WILDLIFE GRANT PROGRAM, WAIVE THE READING, AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

14. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.

MOTION BY REBECCA ALEGRIA TO ENTERTAIN NUMBER 14 "OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING:" – 1) RESOLUTION NO. 10-51 APPROVAL OF ATTORNEY CONTRACT – HOBBS, STRAUS, DEAN, & WALKER; 2) RESOLUTION NO. 10-52

ATTORNEY CONTRACT – JOHN R. WILHELMI IN EXECUTIVE SESSION; & 4) COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATIONS OF 9/14/2010. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

1) Resolution NO. 10-51 Approval of Attorney Contract – Hobbs, Straus, Dean, & Walker;

MOTION BY RANDAL CHEVALIER FOR APPROVAL AND ADOPTION OF RESOLUTION NO. 10-51 APPROVAL OF ATTORNEY CONTRACT (*HOBBS, STRAUS, DEAN, & WALKER LLP*) WAIVE THE READING, AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

2) Resolution NO. 10-52 Approval of Attorney Contract – Birch Tree Law;

MOTION BY REBECCA ALEGRIA TO APPROVE MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION NO. 10-52 APPROVAL OF ATTORNEY CONTRACT (*BIRCH TREE LAW – RORY DILWEG*) WAIVE THE READING, AND AUTHORIZE THE TRIBAL CHAIRWOMAN TO SIGN AS WELL AS THE SECRETARY LYNNETTE MILLER. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

3) Resolution No. 10-52 Approval of Attorney Contract – John R. Wilhelmi in Executive Session; &

Because Attorney Wilhelmi's Contract is up for approval during Executive Session, this Resolution is premature and will be taken up after approving his Contract.

4) Community Development Committee Recommendations of 9/14/2010.

Community Development Engineer Tech III, Gerald Warrington informed the Legislature that the urgency to get this variance approved was related to ARRA funding deadlines and procedures.

MOTION BY DAVID MILLER TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION OF SEPTEMBER 14, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE VARIANCE REQUEST FOR THE MENOMINEE TRIBAL CLINIC UNDER THE CONDITIONS THAT THE WOLF RIVER CORRIDOR RESOLUTION DOES NOT HAVE AN ADVERSE EFFECT; AND THAT IT FALLS WITHIN THE EMERGENCY GOVERNMENT MANAGEMENT PLAN. NO SECOND NECESSARY. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (PECORE), AND 1 ABSENT (WAUKAU)

PLEASE NOTE: Legislator Pecore did not qualify his abstention.

15. 1ST Consideration of Ordinance No. 10- ___ Fiscal Year 2011 Tribal Budget.

MOTION BY RANDAL CHEVALIER FOR THE 1ST READING OF MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE ORDINANCE NO. 10-20 FISCAL YEAR 2011 TRIBAL BUDGET, AND SEND TO PUBLIC HEARING ON SEPTEMBER 22, 2010 AT 5:00 P.M. SECOND WAS MADE BY MYRNA WARRINGTON.

Administrative Service Manager, Jeremy Weso handed out supplemental information explaining three (3) additional budget scenarios' for the Legislature to consider. The different scenarios' explained how much money the Legislature would have to take from the Tribal Reserves, which is as follows: 1) Full 40-Hour Workweek - \$528,546 would restore all positions with the exception of the part-time positions; 2) 40-Hour and Partial 36-Hour Workweek - \$389,605 would restore all positions to 40 hours for eight (8) months, and 36 hours for four (4) months; and 3) 36-Hour Workweek with 50% Reduction in Healthcare Premiums for Employees - \$227,962 would continue with the 36-hour workweek, but offer employees a 50% discount on the employee healthcare premiums. In addition, the employer would pay 92.5% and employees would pay the remaining 7.5% for Healthcare Insurance.

Legislators were in favor of putting the employees back to work full-time effective October 1, 2010, and then taking them back down

Account to put employees back to work full-time. While at the same time, they believe that additional aggressive cost containment measures should still be implemented; such as, freezing salaries at a certain range or grade level, eliminating new hires, and eliminating 401-K contributions. Putting a million dollars in a fund for the Finance Director to use if needed should be eliminated this year, and this Legislature should only be authorizing that expense. MTL requested Tribal Administration to present to them at the next meeting a report on how the lower and higher salaried employees are impacted. In addition, Legislators are no longer in favor of the cost containment cuts for their meeting and mileage payments in this new fiscal year due to diminished participation in Committee. MTL also requested that the Conservation Commission's expenses come from the Conservation Department's budget and not Operation Tribal Governments budget.

MIGA Chairperson, Myrna Warrington updated the Legislature on what the Casino has implemented for Cost Containment, and that Administration is trying to do the best they can to cut down on costs.

Casino General Manager, James Reiter and their new CFO Rob Gozlin Jr. were present to explain how they arrived at setting their revenue projections for fiscal year 2011, which is \$7,181,060.00 in transfers to the Tribe. They went on to explain what they will be eliminating to meet their obligations, and still pay all of their obligations. Mr. Reiter also spoke of a few marketing strategies planned for this upcoming fiscal year to help increase their Revenues.

Out of the Casino's estimated revenue projection of \$58.2 million for fiscal year 2011, Legislators' requested the Casino to set a goal to transfer \$8 million to the Tribe this year so the Tribe's Reserve Account can get replenished.

Legislators, Tribal Administration, Finance Director, and the Casino General Manager and CFO continued to discuss what would be required to balance the 2010 fiscal year budget; in addition, to what would be needed from Tribal Reserves to balance all ledgers across the board.

THE MOTION IS DEFEATED: 1 FOR, 6 OPPOSED (PECORE, WARRINGTON, L. MILLER, ALEGRIA, D. MILLER, & FISH), 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Legislator Pecore, Warrington, L. Miller, Alegria, D. Miller, and Fish did not qualify their oppositions.

The motion was defeated, because Legislators had several questions related to the Tribal budgets and projected Revenues submitted by the Casino. The Casino first informed the Tribe that they could transfer \$6.6 million, then they changed that Revenue amount to \$7.4 million, which all Tribal budgets was submitted for, and now the General Manager and CFO stated they feel comfortable with a revenue transfer of \$7.181 million.

MOTION BY DAVID MILLER THAT WE SEND IT BACK TO THE BUDGET & FINANCE COMMITTEE AND HAVE ADMINISTRATION AND EVERYBODY THAT HAS WORKED ON THIS LAST BUDGET THAT WE GO IN WITH A LITTLE MORE COMFORTABLE PROJECTION OF \$7.181 MILLION AND WOULD LIKE TO SEE THOSE NUMBERS COME THROUGH. SECOND WAS MADE BY MYRNA WARRINGTON.

PLEASE NOTE: *The motion was withdrawn, because this motion would just delay the budget from being approved by the end of this fiscal year.*

The Tribal Legislature requested Tribal Administration to include the revised figures that were discussed, and have those figures available for the Public Hearing on September 22nd.

MOTION BY KENNETH FISH TO APPROVE THE FY' 2011 BUDGET AS IS, WITH THE RECOMMENDATIONS THAT THE BUDGET AND FINANCE COMMITTEE INCORPORATE THE SECOND SCENARIO THAT HAS BEEN DONE BY MANAGEMENT AND THE PUBLIC HEARING BE ON SEPTEMBER 22, 2010 AT 5:00 P.M. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

Legislator Alegria requested that the Programs that are not Tribal Programs submit a detailed report explaining what they have done with the funds.

Jeremy Weso stated the Programs submit a summary when making that budget request, and he would provide that information to the Legislature.

16. 1ST Consideration of Ordinance No. 10- __ Fiscal Year 2011 Restricted – Use Budgets.

MOTION BY REBECCA ALEGRIA TO APPROVE 1ST CONSIDERATION OF ORDINANCE NO. 10-21 FISCAL YEAR 2011 RESTRICTED – USE BUDGET, AND MOVE IT TO PUBLIC HEARING ON SEPTEMBER 22, 2010 AT 5:00 P.M. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 3 ABSENT (WAUKAU, CHEVALIER, & WARRINGTON).

PLEASE NOTE: Legislator Chevalier and Warrington briefly left the meeting at 7:18 P.M., and Legislator Warrington re-entered the meeting at 7:22 P.M. after the vote was rendered.

17. 1ST Consideration of Ordinance No. 10- __ Fiscal Year 2011 Menominee Tribal Clinic Third – Party Revenue Appropriations.

Jeremy Weso informed the Legislature that he advised the Clinic Administrator to provide a report on the Contract Health Services, and also provide information related to the third-party revenues.

MOTION BY REBECCA ALEGRIA TO APPROVE 1ST CONSIDERATION OF ORDINANCE NO. 10-22 FISCAL YEAR 2011 MENOMINEE TRIBAL CLINIC THIRD – PARTY REVENUE APPROPRIATIONS, AND MOVE IT TO PUBLIC HEARING ON SEPTEMBER 22, 2010 AT 5:00 P.M. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 3 ABSENT (WAUKAU, CHEVALIER, & PECORE).

PLEASE NOTE: Legislator Pecore briefly left the meeting to take a break, and Legislator Chevalier re-entered the meeting at 7:26 P.M. after the vote was rendered.

18. Management Team Reports.

MOTION BY REBECCA ALEGRIA TO MOVE \$92,400 FROM ECONOMIC DEVELOPMENT BACK TO OPERATION OF TRIBAL GOVERNMENT. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (WAUKAU & PECORE).

Chairwoman Boivin informed Tribal Administration to commend the Director's for a job well done.

MOTION BY KENNETH FISH TO COMMEND THE DIRECTOR'S, THE STAFF OF THE TRIBE, AND ADMINISTRATION FOR THE WORK WELL DONE SO FAR TO FISCAL YEAR 2010. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (WAUKAU & PECORE).

MOTION BY REBECCA ALEGRIA TO APPROVE THE MANAGEMENT TEAM'S REPORTS FOR THE PERIOD BEGINNING AUGUST 11, 2010 AND ENDING SEPTEMBER 7, 2010. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (WAUKAU & PECORE).

19. Approval of Minutes: 1) August 9, 2010 – Recessed Regular; 2) August 12, 2010 – Annual Joint Meeting; 3) September 2, 2010 – Regular; & 4) September 8, 2010 – Special.

1) August 9, 2010 – Recessed Regular;

MOTION BY REBECCA ALEGRIA TO APPROVE THE MINUTES OF THE MENOMINEE TRIBAL LEGISLATURE RECESSED OF AUGUST 9, 2010 WITH ANY CORRECTIONS. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (WAUKAU &

2) August 12, 2010 – Annual Joint Meeting;

MOTION BY LYNNETTE MILLER TO APPROVE THE ANNUAL JOINT MEETING OF THE MENOMINEE TRIBAL LEGISLATURE AND THE CONSERVATION COMMISSION OF AUGUST 12, 2010 WITH ANY CORRECTIONS. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (WAUKAU & PECORE).

PLEASE NOTE: Legislator Pecore re-entered the meeting at 7:51 P.M. after the vote was rendered.

3) September 2, 2010 – Regular; &

MOTION BY LYNNETTE MILLER TO APPROVE THE REGULAR MEETING MINUTES OF THE MENOMINEE TRIBAL LEGISLATURE OF SEPTEMBER 2, 2010 WITH ANY CORRECTIONS. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (ALEGRIA), AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Legislator Alegria qualified her abstention as follows: *“excused absence.”*

4) September 8, 2010 – Special.

MOTION BY REBECCA ALEGRIA TO APPROVE THE MENOMINEE TRIBAL LEGISLATURE SPECIAL MEETING MINUTES OF SEPTEMBER 8, 2010 AS IS. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 4 FOR, 0 OPPOSED, 3 ABSTENTIONS (CHEVALIER, PECORE, & WARRINGTON), AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Legislator Chevalier qualified his abstention as follows: *“excused absence.”*

Legislator Pecore qualified his abstention as follows: *“excused absence.”*

Legislator Warrington qualified her abstention as follows: *“wasn’t here.”*

20. Legislative Time on Task Reports.

There was no action required for any Legislative recommendations, they were only informational suggestions.

21. Travel Authorization Requests.

MOTION BY KENNETH FISH TO APPROVE THE M.A.S.T. FALL MEETING FOR CHAIRWOMAN LAURIE BOIVIN AND LEGISLATOR MYRNA WARRINGTON ON OCTOBER 18, 2010 IN PRIOR LAKE, MN. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

22. Committee Reports and Recommendations:

a. Veteran’s Ad Hoc Committee of August 25, 2010

i. Request Tribal Administration to Pursue Funding for a Veteran’s Homeless Shelter/Treatment Facility; &

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE VETERAN’S AD-HOC COMMITTEE RECOMMENDATION OF AUGUST 25, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO REQUEST TRIBAL ADMINISTRATOR JEREMY WESO TO FOLLOW-UP ON AND PURSUIT POTENTIAL OPERATIONAL FUNDING SOURCES FOR A VETERAN’S HOMELESS SHELTER / TREATMENT FACILITY. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

ii. Request Personnel to Work on Resources for a Veteran's Homeless Shelter/Treatment Facility.

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE VETERAN'S AD-HOC COMMITTEE RECOMMENDATION OF AUGUST 25, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO REQUEST TRIBAL ADMINISTRATOR JEREMY WESO TO COORDINATE EFFORTS WITH THE VETERANS SERVICE OFFICER WENDELL ASKENETTE, HOUSING DIRECTOR BETTY JO WOZNAK, AND THE MILWAUKEE VETERAN'S CENTER COUNSELOR RODNEY PEARSALL TO WORK ON SOME RESOURCES FOR A VETERAN'S HOMELESS SHELTER / TREATMENT FACILITY. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

b. Housing Committee of August 26, 2010

i. Request Approval to the Housing Department Admissions Policy; &

MOTION BY KENNETH FISH TO CONCUR WITH THE HOUSING COMMITTEE RECOMMENDATION OF AUGUST 26, 2010 TO APPROVE THE RECOMMENDED CHANGES TO THE HOUSING DEPARTMENT ADMISSIONS POLICY (WITH THE EIV REQUIREMENT), AND SEND TO THE LEGISLATURE FOR APPROVAL. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

ii. Request Approval to the Low Rent Mixes Use Apartment Policy.

MOTION BY KENNETH FISH TO CONCUR WITH THE HOUSING COMMITTEE RECOMMENDATION OF AUGUST 26, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE LOW RENT MIXED USE APARTMENT POLICY WITH (GRAMMATICAL) CHANGES. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

c. Forestry Committee of August 30, 2010

i. Approval of 10 Silvicultural Prescriptions;

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE RECOMMENDATION OF AUGUST 30, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO APPROVE THE FOLLOWING (10) SILVICULTURAL PRESCRIPTIONS: 1) 105110101; 2) 201110102; 3) 209110103; 4) 310110105; 5) 340110106; 6) 342110107; 7) 345110108; 8) 108112001; 9) 112112002; and 10) 112110901. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

Legislator Fish requested to comment that he likes the new system, but requested to see the prescriptions supplied in color the next time.

ii. Request to Send Proposed Assessment for FY' 10;

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE RECOMMENDATION OF AUGUST 30, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO SEND PROPOSED ASSESSMENT FOR TIMBER REMOVED BY MTE FROM FY' 2010 ASSESSED AT \$3,265,011.12 TO THE MENOMINEE TRIBAL LEGISLATURE FOR CONCURRENCE WITH THE DISCUSSED CORRECTIONS. NO SECOND NECESSARY.

Trust Resources Director, Christopher Caldwell requested to correct the dollar amount to the motion provided from Committee, because it didn't have the credits added from worksheet number 3 according to Table 1, which reveals the corrected amount of \$3,062,263.66.

THE MOTION CARRIED: 5 FOR, 2 OPPOSED (L. MILLER & WARRINGTON), 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

to the Mill, I don't know what would happen."

Legislator L. Miller qualified her opposition as follows: *"I'm opposed, because our Governing documents only speak of excess profits."*

MOTION BY RANDAL CHEVALIER TO AMEND THE MOTION TO REFLECT \$3,062,263.66. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 5 FOR, 2 OPPOSED (L. MILLER & WARRINGTON), 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Legislator L. Miller qualified her opposition as follows: *"Because I'm going to oppose to the original motion."*

Legislator Warrington qualified her opposition as follows: *"I don't feel comfortable with these numbers, and where they have been compared too or how they were reached."*

Legislator Fish requested to comment for the record that these in computations for this amount are arrived from Ordinance 02-22, which is the stumpage formula or fee.

MOTION BY DAVID MILLER THAT THE TRIBAL LEGISLATURE DIRECT THE TRIBAL CHAIRWOMAN TO SEND A CORRESPONDENCE TO MENOMINEE TRIBAL ENTERPRISES TO REQUEST THEIR PARTICIPATION IN A MEETING TO ADDRESS ANY REVISIONS TO THE CURRENT FORMAT AS PRESENTED. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 6 FOR, 1 OPPOSED (L. MILLER), 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Legislator L. Miller qualified her opposition as follows: *"for the same reason that our Governing documents only speak of excess profits."*

MOTION BY KENNETH FISH THAT CHRIS CALDWELL AT THIS SATURDAY (9-18-2010) GENERAL COUNCIL MAKE AVAILABLE THE VALUE OF THE TIMBER THAT WAS CUT FOR THE LAST FISCAL YEAR; MAKE THAT DOLLAR AMOUNT VALUE AVAILABLE TO THE GENERAL COUNCIL. SECOND WAS MADE BY BRUCE PECORE. THE MOTION IS DEFEATED: 3 FOR, 4 OPPOSED (BOIVIN, CHEVALIER, L. MILLER, & WARRINGTON), 1 ABSTENTION (D. MILLER), AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Chairwoman Boivin voted in opposition to break the tie, and qualified her vote as follows: *"due to Chris Caldwell's concerns for the reason on the meeting, it can be done at a different time."*

Legislator Alegria qualified her vote as follows: *"All the information is already together and it should be no problem to honor a request by a tribal member, and just hand it to him at the meeting Saturday."*

Legislator Fish qualified his vote as follows: *"I believe that as a Legislator; I have a duty and a responsibility to have the Menominee people have the information on what the value of their timber is, and the meeting is on the Forest Management Plan, and it's listed as informational only, and if Tribal members what to talk about stumpage, then it is what it is. If people want to discuss stumpage, and with the agenda is that going to be, so at least it gives the Menominee Tribal membership an opportunity to know what the value of their timber is that their not getting a dime for."*

Legislator Pecore qualified his vote as follows: *"I think it's perfect time for us to give the information to the people, it's a General Council meeting, and we're gonna be there anyway, and we gotta give up that information at some point."*

iii. Request Legal to Review Red-Lined Version of Ordinance 05-22;

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE RECOMMENDATION OF AUGUST 30, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO REQUEST A RED-LINE VERSION OF ORDINANCE 05-22 WITH THE DIRECTOR OF TRUST RESOURCE'S

CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

iv. Request Legal to Review 638 Contract Funding; &

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE RECOMMENDATION OF AUGUST 30, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO SEND THE ISSUE OF SUSTAINED YIELD / NON-SUSTAINED YIELD LANDS QUESTION REGARDING 638 CONTRACT FUNDING TO THE LEGAL DEPARTMENT FOR REVIEW. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

v. Request Status of Legal Opinion on Requirements of Lands held in Sustained Yield.

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE RECOMMENDATION OF AUGUST 30, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO REQUEST STATUS ON THE LEGAL OPINION ON WHAT THE REQUIREMENTS ARE FOR LANDS TO BE HELD IN SUSTAINED YIELD. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

23. 2010 Legislative Goals Progress Reports.

The Legislature discussed their Legislative goals and reported on the progress they are achieving thus far.

24. As per LRP 5.03 – EXECUTIVE SESSION: (A) Legal – 1) Tribal Member’s Appeal to Management Team’s Decision; & 2) Historic Preservation Internal Audit Report; (B) Personnel; & (C) Gaming – 1) Compact Amendment; 2) Assignment of Developer’s Agreement; 3) Attorney Contract – John Wilhelmi; 4) Kenosha Project Update; & 5) MIGA Board Update.

MOTION BY RANDAL CHEVALIER TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

*****EXECUTIVE SESSION WAS NOT RECORDED*****

MOTION BY RANDAL CHEVALIER TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

(A) Legal

1) Tribal Member’s Appeal to Management Team’s Decision; &

MOTION BY RANDAL CHEVALIER THAT WE UPHOLD THE MANAGEMENT’S DECISION REGARDING THE COMPLAINT. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (ALEGRIA), AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Legislator Alegria qualified her abstention as follows: “Due to employment.”

2) Historic Preservation Internal Audit Report;

MOTION BY DAVID MILLER THAT WE CONCUR WITH THE FINDINGS OF THE INTERNAL AUDIT DEPARTMENT AS TO HISTORIC PRESERVATION AUDIT. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (ALEGRIA), AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Legislator Alegria qualified her abstention as follows: “Due to employment.”

ALEGRIA REGARDING THE HOME CARE CARPENTRY BUSINESS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 2 ABSTENTIONS (ALEGRIA & WARRINGTON), AND 1 ABSENT (WAUKAU).

PLEASE NOTE: Legislator Alegria qualified her abstention as follows: "For the obvious reason."

Legislator Warrington qualified her abstention as follows: "I wondered if you had to submit that when you were doing the work, or do you just submit it any old time?"

(B) Personnel; &

There were no motions made after coming out of Executive Session.

(C) Gaming

1) Compact Amendment;

There were no motions made after coming out of Executive Session.

2) Assignment of Developer's Agreement;

There were no motions made after coming out of Executive Session.

3) Attorney Contract – John Wilhelmi;

There were no motions made after coming out of Executive Session.

4) Kenosha Project Update; &

There were no motions made after coming out of Executive Session.

5) MIGA Board Update.

There were no motions made after coming out of Executive Session.

25. Adjournment.

MOTION BY BRUCE PECORE/RANDAL CHEVALIER TO ADJOURN. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (WAUKAU).

Meeting adjourned at 11:35 P.M.

Respectfully submitted by;



Debra A. Bowman, Recorder/Transcriber
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE